

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Dov Levavi	Team: Team # 2	CCRB Case #: 201101623	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 02/03/2011 9:30 PM	Location of Incident: § 87(2)(b)	Precinct: 75	18 Mo. SOL 8/3/2012	EO SOL 8/3/2012	
Date/Time CV Reported Tue, 02/08/2011 10:53 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 02/08/2011 10:53 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Terrell Anderson	00478	933551	PBBN AC
2. POM Brian Moncayo	14685	939053	PBBN AC
3. POM Charne Jimenez	00425	940304	PBBN AC
4. POM David Zayas	04429	942740	PBBN AC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Edson Gloragille	29671	936671	PA UPTU

Officer(s)	Allegation	Investigator Recommendation
A.SGT Terrell Anderson	Abuse: Sgt. Terrell Anderson entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.SGT Terrell Anderson	Abuse: Sgt. Terrell Anderson supervised the search of § 87(2)(b) § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C.SGT Terrell Anderson	Abuse: Sgt. Terrell Anderson supervised the search of § 87(2)(b) car.	§ 87(2)(b)
D.SGT Terrell Anderson	Abuse: Sgt. Terrell Anderson supervised the damage of § 87(2)(b) property.	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On February 8, 2011, § 87(2)(b) filed a complaint with the CCRB via phone. § 87(2)(b) did not witness the incident and filed the complaint on behalf of her family members, § 87(2)(b) and § 87(2)(b).

On February 3, 2011, around 9:30 p.m., officers entered and searched § 87(2)(b) and § 87(2)(b) home at § 87(2)(b) in Brooklyn. No person was arrested or issued a summons. The following allegations resulted:

- **Allegation A – Abuse of Authority: Sgt. Terrell Anderson entered § 87(2)(b) § 87(2)(b) in Brooklyn**
- **Allegation B – Abuse of Authority: Sgt. Terrell Anderson supervised the search of § 87(2)(b) in Brooklyn.**
§ 87(2)(g)
- **Allegation C – Abuse of Authority: Sgt. Terrell Anderson supervised the search of § 87(2)(b) car.**
- **Allegation D – Abuse of Authority: Sgt. Terrell Anderson supervised the damage of § 87(2)(b) property.**
§ 87(2)(g)
- § 87(4-b) § 87(2)(g)

This case was originally assigned to Inv. Maryann Wong. Upon her resignation, it was assigned to Inv. Dov Levavi on August 4, 2011.

Results of Investigation

Civilian Statements

Victim: § 87(2)(b)

- *A black male who is 5'8" tall, weighing 200 pounds with brown hair and brown eyes, § 87(2)(b) was § 87(2)(b) old at the time of the incident.*

CCRB Testimony

On February 11, 2011, § 87(2)(b) was interviewed at the CCRB (encl. b3-8). On February 3, 2011, around 9:30 p.m., § 87(2)(b) was at home at § 87(2)(b) in Brooklyn. § 87(2)(b) was sleeping in his bedroom and his grandmother, § 87(2)(b) was in the kitchen. No one else was inside the apartment. § 87(2)(b) car, a 2008 blue Dodge Charger, was parked outside the apartment, but not visible from the apartment.

§ 87(2)(b) woke up to an officer tugging on his foot. Three officers in plainclothes, PO1, PO2 and PO3, were standing around § 87(2)(b) bed while holding flashlights. PO1, identified by the investigation as Sgt. Terrell Anderson, was a black male who was 5'10" tall and in his mid-30's with a medium build. PO2, identified by the investigation as PO Charne Jimenez, was a white male who was 5'4" tall and in his late-30's with a bald head and a husky build. PO3 was described as a black male in his late-30's who was 5'11" tall with a husky build. § 87(2)(b) had never seen these officers before, but he had seen their vehicle, a silver Camry, driving around the area. § 87(2)(b) observed the officers' vehicle after the incident when they left his apartment.

Sgt. Anderson asked § 87(2)(b) if he was § 87(2)(b) and § 87(2)(b) replied that he was. Sgt. Anderson pulled § 87(2)(b) out of bed and PO Jimenez immediately handcuffed him; there was no physical struggle. § 87(2)(b) asked the officers what was happening and Sgt. Anderson informed him that he had a warrant for giving a police officer his incorrect date of birth for a suspended license in 2009. § 87(2)(b) admitted to being arrested in 2009 for a suspended license, but he denied providing an incorrect birth date.

Sgt. Anderson showed § 87(2)(b) two papers; one of the papers had a mugshot of § 87(2)(b) (from the 2009 arrest) and the other paper, which the officers stated was the warrant, had § 87(2)(b) name and his apartment number. § 87(2)(b) did not see what was written on the paper.

Sgt. Anderson asked § 87(2)(b) if he had a gun in the apartment and if he knew anybody who had a gun. § 87(2)(b) told the officers that they could search wherever they wanted because he did not have a gun. § 87(2)(b) believed that the officers would have searched his room regardless, so he felt that his consent to the search was forced. Sgt. Anderson told § 87(2)(b) that if he found a gun, then § 87(2)(b) grandmother would be locked up and evicted.

Sgt. Anderson searched § 87(2)(b) room. Specifically, Sgt. Anderson opened all of § 87(2)(b) dresser drawers and emptied out all of his clothes, he lifted up the bed mattress and went through all § 87(2)(b) shoeboxes under the bed and he opened the closet and took everything out. § 87(2)(b) did tell Sgt. Anderson that he had a paintball gun, which Sgt. Anderson found when he looked underneath the bed.

Sgt. Anderson told § 87(2)(b) that he was going to find the guns and he left the room. § 87(2)(b) heard Sgt. Anderson in the room next door and § 87(2)(b) believed that Sgt. Anderson searched this room, which contained one couch and laundry. While this was all happening, § 87(2)(b) could hear § 87(2)(b) talking to an officer in the kitchen. The officers told § 87(2)(b) that she could not go into § 87(2)(b) room.

Sgt. Anderson asked where § 87(2)(b) car was and § 87(2)(b) told him that it was directly outside the apartment. Sgt. Anderson took § 87(2)(b) keys off the top of his dresser and handed them to PO Jimenez. PO Jimenez went outside. § 87(2)(b) did not witness the car search, but he knew that the officers searched his vehicle because it was messy when he looked inside of it after the incident, immediately after the officers left.

In addition, § 87(2)(b) speakers were ripped out of his trunk – there is a compartment underneath the speakers where a spare tire would usually be, and § 87(2)(b) believed that the officers were trying to see what was inside this compartment. The wires to the speakers were broken because the officers had not unscrewed them. Also, the front, passenger tire was slashed.

While Sgt. Anderson was inside in the room next to § 87(2)(b) room, § 87(2)(b) asked PO Jimenez what the real reason for the warrant was. PO Jimenez said that § 87(2)(b) had a warrant for drinking in public. § 87(2)(b) believed that the officers were making up reasons for the warrant. § 87(2)(b) did not know why the officers asked him about guns. § 87(2)(b), § 87(2)(f)

§ 87(2)(b) does not own guns and is not involved in any gang activity.

Sgt. Anderson told § 87(2)(b) that he needed to go to downtown Central Booking to take care of his warrant. The officers left. § 87(2)(b) was not arrested or issued a summons.

Photo Viewing

- On May 4, 2011, § 87(2)(b) viewed photographs of all officers working at the 75th Precinct at the time of the incident. He did not recognize any of the officers and further stated that he was 100 percent certain that none of the officers responded to the incident.
- On October 14, 2011, § 87(2)(b) viewed photographs of all officers working in Patrol Borough Brooklyn North Anti-Crime at the time of the incident, including Sgt. Anderson, PO Jimenez, PO Moncayo and PO Zayas. He did not recognize any of the officers. (encl. b9-36)

Victim: § 87(2)(b)

- *A black female who is 5'4" tall, weighing 150 pounds with black hair and brown eyes, § 87(2)(b) was § 87(2)(b) old at the time of the incident.*

CCRB Testimony

On February 15, 2011, § 87(2)(b) was interviewed at the CCRB. (encl. c1-4).

On February 3, 2011, at approximately 9:30 p.m., § 87(2)(b) heard knocking on the front door and asked, without opening the door, who was outside the door. The officers stated that they had a warrant for § 87(2)(b). When § 87(2)(b) asked what the warrant was about, the officers said that that they could not tell her and that they needed to speak to § 87(2)(b) directly.

§ 87(2)(b) put the chain lock on the door and cracked it open. Three plainclothes officers, PO1, PO2 and PO3 were standing outside. PO1, identified by the investigation as Sgt. Anderson, was a black male who was 5'9" tall with a medium build. PO2, identified by the investigation as PO Jimenez, was a white male who was 5'3" tall with a stocky build and bald head. PO3 was a white or Hispanic male who was 5'9" tall with a stocky build. PO Jimenez immediately put his foot in between the door. § 87(2)(b) told PO Jimenez to take his foot out of her door and he complied. § 87(2)(b) opened the door. PO Jimenez showed § 87(2)(b) a paper and said that it was a warrant for § 87(2)(b). § 87(2)(b) was not wearing her glasses so she did not see what was written on the paper. § 87(2)(b) told the officers that § 87(2)(b) was in his room and pointed the officers towards § 87(2)(b) room. § 87(2)(b) willingly let the officers inside her apartment.

§ 87(2)(b) asked the officers if she could come into § 87(2)(b) room, but the officers did not allow her. While the officers were inside of § 87(2)(b) room, a fourth officer, PO4, arrived. PO4 was a white male who was 6'0" tall with a medium build. He stayed with § 87(2)(b) in the kitchen and did not inform § 87(2)(b) what the warrant was about. The officers were inside of § 87(2)(b) room for about 30 minutes. Then, an officer § 87(2)(b) did not know which one), came out and shined his flashlight into the next room. § 87(2)(b) did not know if the officers searched this room.

The officers told § 87(2)(b) that he needed to get his warrant checked out because he had provided the wrong birth date. § 87(2)(b) asked the officers where they were from and they said that they were from the 75th Precinct. The officers left. No one was arrested.

Photo Viewing

- On October 14, 2011 § 87(2)(b) viewed photographs of all the officers working in Patrol Borough Brooklyn North Anti-Crime at the time of the incident. She recognized PO Jimenez as an officer who was present during the incident. § 87(2)(b) stated that he was the officer who stuck his foot inside her apartment door when she opened it. (encl. c5-32)

NYPD Statements

Subject Officer: SGT. TERRELL ANDERSON

- *A black male who is 5'10" tall, weighing 195 pounds with black hair and brown eyes, Sgt. Anderson was § 87(2)(b) old at the time of the incident.*
- *Sgt. Anderson worked from 5:27 p.m. on February 3, 2011 to 2:10 a.m. the next morning assigned to Brooklyn North Anti-Crime in the 73rd Precinct with PO Brian Moncayo. He was dressed in plainclothes and was assigned to an unmarked, gold Crown Victoria, which PO Moncayo operated.*

Memo Book

- Sgt. Anderson did not have his memo book at the time of his interview because he lost it. A complaint report was prepared for Sgt. Anderson's lost memo book. (encl. e10-11)

CCRB Testimony

Sgt. Terrell Anderson was interviewed at the CCRB on September 29, 2011 (encl. d1-2) about the incident that occurred at approximately 9:30 p.m. on February 3, 2011 at § 87(2)(b) in Brooklyn.

Sgt. Anderson did not recall any incident on February 3, 2011. He did not recall visiting § 87(2)(b) the home of § 87(2)(b). After looking at both pages of his command's roll call from the date of the incident, Sgt. Anderson's gained no further recollection of that day. He had no memory of working with PO Moncayo that day, or with PO David Zayas, whom the roll call assigned to the same vehicle as Sgt. Anderson and PO Moncayo.

Sgt. Anderson was familiar with the name § 87(2)(b) which he had heard during his time working anti-crime. He had seen § 87(2)(b) before, although he did not recall on which specific occasion. Sgt. Anderson was familiar with the building at § 87(2)(b) which is a NYCHA building.

Sgt. Anderson was shown an MISD log that listed his tax number as having searched for the information of § 87(2)(b) on February 3, 2011 at 12:54 a.m., 6:43 p.m. and 6:48 p.m. Sgt. Anderson had no memory of running these searches, although he acknowledged that the records must have reflected searches that he conducted.

§ 87(2)(g)

§ 87(2)(b) Sgt. Anderson recalled that § 87(2)(b) was arrested for possession of a firearm. § 87(2)(e), § 87(2)(f), § 87(2)(b)

§ 87(2)(b) Aside from searching § 87(2)(b) name, Sgt. Anderson did not recall visiting § 87(2)(b) apartment or if any officers in his command did so. Generally, based on information that an individual has a firearm, Sgt. Anderson would conduct MISD warrant checks for the individual's name to determine whether the information was credible. In this case, Sgt. Anderson stated "It looks like I did" search MISD for § 87(2)(b) although he did not recall specific actions that he took § 87(2)(b), § 87(2)(e), § 87(2)(f)

Sgt. Anderson was shown a bench warrant for § 87(2)(b) from an arrest in 2009 that listed his address. Sgt. Anderson stated that the warrant would have shown up during his MISD search on February 3, 2011 if it was in the system, although he had no specific recollection of seeing it. He did not recall if he or any officer in his command went to execute the bench warrant. Sgt. Anderson stated that the warrant would have allowed him, theoretically, to go and arrest § 87(2)(b) but not to search § 87(2)(b) apartment. However, Sgt. Anderson did not recall searching an apartment or a vehicle on February 3, 2011.

Witness Officer: PO CHARNE JIMENEZ

- *A Hispanic male who is 5'6" tall, weighing 250 pounds with brown hair and brown eyes, PO Jimenez was § 87(2)(b) old at the time of the incident.*
- *PO Jimenez worked from 5:30 p.m. on February 3, 2011 to 2:05 a.m. the next morning assigned to Brooklyn North Anti-Crime with PO David Zayas. He was in plainclothes and was assigned to unmarked vehicle number 1682, a Ford Fusion.*

Memo Book

- PO Jimenez's memo book did not contain any entries regarding the incident (encl. d3-4).

CCRB Statement

On October 25, 2011, PO Charne Jimenez was interviewed at the CCRB (encl. d5-7). PO Jimenez had no independent recollection of the incident. He was not familiar with the name § 87(2)(b) PO Jimenez was shown photographs of § 87(2)(b) and § 87(2)(b) He stated that he has never seen either individual. He was not familiar with anyone named § 87(2)(b) who lived at § 87(2)(b)

PO Jimenez's tax ID was listed on an MISD search for warrants for the name § 87(2)(b) at 6:54 p.m. on February 3, 2011. When PO Jimenez was asked if he conducted the search, PBA attorney Florence Friedman interrupted the interview at 10:55 a.m., took the MISD print-out, and spoke to PO Jimenez out of the presence of the investigator. The interview resumed at 10:59 a.m. PO Jimenez acknowledged that his tax ID number was listed on the MISD search. However, he did not recall conducting the search.

PO Jimenez's memo book entries from February 2, 2011 noted that on that date, PO Edson Gloragille made an arrest for § 87(2)(b) in Brooklyn. PO Jimenez recalled that he arrived at the scene after PO Gloragille and Sgt. Anderson placed an individual under arrest. PO Jimenez helped out with the paperwork for the arrest. He did not recall if he interviewed the arrested individual. § 87(2)(b), § 87(2)(e), § 87(2)(f)

PO Jimenez was shown a bench warrant for § 87(2)(b) that referenced an arrest on May 22, 2009 and the address § 87(2)(b) in Brooklyn. PO Jimenez stated that he had never seen the warrant before.

PO Jimenez denied entering § 87(2)(b) on February 3, 2011. He denied searching § 87(2)(b) searching a car at that apartment or damaging property at the apartment. He did not interact with § 87(2)(b) or § 87(2)(b) § 87(2)(e), § 87(2)(f)

Witness Officer: PO DAVID ZAYAS

- *A white male who is 6'0" tall, weighing 230 pounds with brown hair and brown eyes, PO Zayas was § 87(2)(b) old at the time of the incident.*
- *PO Zayas worked from 5:30 p.m. on February 3, 2011 to 2:05 a.m. the next morning assigned to Brooklyn North Anti-Crime with PO Jimenez. He was dressed in plainclothes and was assigned to unmarked vehicle number 1682.*

Memo Book

- PO Zayas' memo book did not contain any entries regarding the incident (encl. d8-10).

CCRB Statement

PO David Zayas was interviewed at the CCRB on October 27, 2011 (encl. d11-12) PO Zayas did not recall the incident or anything that happened on February 3, 2011. Although the roll call lists PO Zayas as being assigned to a vehicle with Sgt. Terrell Anderson and PO Brian Moncayo, PO Zayas stated that his memo book's description of being assigned with PO Jimenez is likely more accurate.

PO Zayas did not recognize § 87(2)(b) and § 87(2)(b) when shown their photographs. He stated that he has never seen either individual. PO Zayas was not familiar with the address § 87(2)(b) in Brooklyn. He did not recall going to § 87(2)(b) or being in the vicinity of that address on February 3, 2011. He did not recall PO Jimenez doing so. He did not recall searching an apartment or vehicle there, or damaging property at the location. PO Zayas did not recall finding a paintball gun in an apartment.

PO Zayas was shown several MISD searches for information about § 87(2)(b) that were conducted on February 3, 2011 by members of PO Zayas' command. PO Zayas did not recall receiving any information about § 87(2)(b) from Sgt. Anderson or PO Jimenez. He was not aware that PO Jimenez conducted an MISD search for § 87(2)(b) that day. PO Zayas did not recall going to a location to search for weapons on February 3, 2011 pursuant to information gathered from previous arrests. PO Zayas' memo book notes that he was present for arrests made on

February 1, 2011 and February 2, 2011, both for § 87(2)(b). However, he did not have any independent recollection of the arrests.

Witness Officer: PO BRIAN MONCAYO

- *A Hispanic male who is 5'11" tall, weighing 200 pounds with black hair and black eyes, PO Moncayo was § 87(2)(b) old at the time of the incident.*
- *PO Moncayo worked from 5:30 p.m. to 2:05 a.m. the following day. He was assigned to Brooklyn North Anti-Crime with Sgt. Anderson and PO Zayas, was in plainclothes and was assigned to an unmarked gold Crown Victoria.*

Memo Book

- PO Moncayo's memo book did not contain any entries regarding the incident (encl. d13-14).

CCRB Statement

PO Brian Moncayo was interviewed at the CCRB on November 16, 2011 (encl. d15-16). PO Moncayo did not recall the incident or anything he did on February 3, 2011. He did not recall if he was in the vicinity of § 87(2)(b) that day or within the confines of the 75th Precinct.

PO Moncayo was not familiar with the name § 87(2)(b). He did not recognize § 87(2)(b) when shown his photograph and he did not recognize § 87(2)(b) when shown her photograph. He did not recall ever seeing either § 87(2)(b) or § 87(2)(b). He did not recall interacting with them on February 3, 2011.

PO Moncayo was shown a list of MISD searches run for the name § 87(2)(b) by Sgt. Anderson on February 3, 2011. PO Moncayo did not recall Sgt. Anderson conducting those searches and he did not recall participating in the search for § 87(2)(b) information. He did not recall Sgt. Anderson bringing § 87(2)(b) name to his attention. PO Moncayo was shown a copy of a bench warrant for § 87(2)(b). PO Moncayo stated that he had never seen that warrant before. He did not recall Sgt. Anderson presenting that document to him on February 3, 2011. He did not recall executing the warrant at § 87(2)(b).

PO Moncayo was shown the arrest reports and arrest photographs of § 87(2)(b) and § 87(2)(b) who were arrested on February 1, 2011 and February 2, 2011, respectively. PO Moncayo did not recall participating in either arrest and he did not recognize either defendant. § 87(2)(e), § 87(2)(g)

He did not recall visiting § 87(2)(b) or searching the location on February 3, 2011. He did not recall searching a car or damaging any property at that location. He did not recall if any officer in his command did so.

Witness Officer: SGT. EDSON GLORAGILLE

- *A black male who is 5'11" tall, weighing 260 pounds with black hair and brown eyes, Sgt. Gloragille was § 87(2)(b) old at the time of the incident.*
- *Sgt. Gloragille, who was an officer at the time of the incident, did not work on February 3, 2011 because he had a chart day.*

Memo Book

- Sgt. Gloragille's memo book contained no entries regarding the incident. The date is documented in Sgt. Gloragille's memo book as a "chart day" (encl. d17-18).

CCRB Statement

Sgt. Edson Gloragille was interviewed at the CCRB on December 1, 2011 (encl. d19-20).

Sgt. Gloragille did not engage in any activities related to his duty as a police officer on the date of the incident.

Sgt. Gloragille did not recognize the name § 87(2)(b). He looked at photographs of § 87(2)(b) and § 87(2)(b) and stated that he had never seen either individual.

Sgt. Gloragille participated in the arrest of § 87(2)(b) on February 2, 2011 with Sgt. Anderson. § 87(2)(b), § 87(2)(e), § 87(2)(f)

§ 87(2)(b), § 87(2)(e), § 87(2)(f)

§ 87(2)(b), § 87(2)(e), § 87(2)(f)

§ 87(2)(b), § 87(2)(e), § 87(2)(f)

Sgt. Gloragille also participated in the arrest of § 87(2)(b) on February 1, 2011. § 87(2)(b), § 87(2)(e), § 87(2)(f)

§ 87(2)(b), § 87(2)(e), § 87(2)(f)

Sgt. Gloragille was shown MISD searches run by Sgt. Anderson for the name § 87(2)(b). Sgt. Gloragille was not aware that any MISD search for § 87(2)(b) was done and Sgt. Anderson did not bring to his attention that such a search was conducted. Sgt. Gloragille had never seen a bench warrant for § 87(2)(b) that was shown to him during the interview and he was not aware of the warrant having been executed by officers from his command.

Sgt. Gloragille did not know if Sgt. Anderson, PO Moncayo, PO Jimenez or PO Zayas went to § 87(2)(b) on February 3, 2011.

NYPD Documents

24 Hour Recap Sheet

- According to Patrol Borough Brooklyn North Anti-Crime's 24 Hour Recap Sheet from February 3, 2011, PO Zayas and PO Jimenez were assigned to car number 1682, a 2010 tan Ford Fusion. Sgt. Anderson and PO Moncayo were assigned to car number 8868, a 2004 gold Crown Victoria. (encl. e1)

Movement Log

- Patrol Borough Brooklyn North Anti-Crime's Movement Log from February 3, 2011 lists Sgt. Anderson, PO Moncayo and PO Zayas as being assigned together. PO

Jimenez stated that the discrepancy between this and the 24 Hour Recap Sheet occurred because he arrived late at the command, at which point he was assigned to work with PO Moncayo in what he described as the “silver” Fusion. (encl. e2)

- **MISD**

- A log of the MISD searches run for the name § 87(2)(b) around the time of the incident revealed that § 87(2)(b) name and information were searched under Sgt. Anderson’s tax registry number six times between 12:54 a.m. and 6:51 p.m. on February 3, 2011. The information was searched by PO Jimenez’s tax registry number at 6:54 p.m. (encl. 3-7)

- **Arrest Warrant**

- The warrant squad located one open bench warrant for § 87(2)(b) (encl. e8). The warrant is for public consumption of alcohol. The address § 87(2)(b) is listed on the warrant. The date of birth listed for § 87(2)(b) on the warrant is different than that on his license.

Other Evidence

- A photograph taken in front of the Patrol Borough Brooklyn North Anti-crime stationhouse on November 7, 2011 (encl. a6) verified that the command is assigned an unmarked, silver Ford Fusion. When compared to a photograph of a Toyota Camry (encl. a7), the two vehicles appear very similar.

Status of Civil Proceedings

- As of January 20, 2012, more than 8 months after the 90-day filing deadline had passed, § 87(2)(b) and § 87(2)(b) have not filed a notice of claim in regard to the incident (encl. f1).

Civilian Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. a4-5)

Subject Officer(s) CCRB History

- Sgt. Anderson has been a member of the service for 8 years and there are no substantiated CCRB allegations against him (encl. a1-2).
- PO Jimenez has been a member of the service for 6 years and there are no substantiated CCRB allegations against him (encl. a3).
- PO Moncayo has been a member of the service for 7 years and there are no substantiated CCRB allegations against him (encl. a4).
- PO Zayas has been a member of the service for 6 years and there are no substantiated CCRB allegations against him (encl. a5).

Conclusion

Identification of Subject Officers

- The tax numbers of Sgt. Anderson and PO Jimenez were listed on an MISD print out that showed them searching for warrant information under the name, § 87(2)(b) on February 2, 2011 and February 3, 2011. Sgt. Anderson acknowledged that the MISD records likely reflected a search that he conducted. He did not deny conducting the search, but he denied having a recollection of doing so. Furthermore, Sgt. Anderson admitted knowing a § 87(2)(b) who lived within the confines of the 75th Precinct, but did not recall on which occasions he dealt with § 87(2)(b).

§ 87(2)(b) stated that an officer showed him a photograph from his arrest in 2009 and a warrant with his address listed. A search of open warrants for § 87(2)(b) revealed that there is an open bench warrant from 2009 that lists § 87(2)(b) as § 87(2)(b) address. According to § 87(2)(b) Sgt. Anderson stated that he had given an incorrect date of birth after a past arrest. The bench warrant obtained by the investigation, which Sgt. Anderson was determined to have taken to the location, contains a date of birth different than the one listed on § 87(2)(b) driver's license.

§ 87(2)(b) stated that two black males and one white male were in his apartment, while § 87(2)(b) described one black male, two white males, and one white or Hispanic male. § 87(2)(b) was sleeping when the officers arrived, § 87(2)(g)

§ 87(2)(b) description of the officers is consistent with the appearances of Sgt. Anderson, PO Jimenez, and their partners from the date of the incident. Both § 87(2)(b) and § 87(2)(b) described a short, heavy set white bald male in his thirties, which matches PO Jimenez's appearance (although he is Hispanic, PO Jimenez has light skin and could reasonably be described as white). Furthermore, when shown photographs of all the officers working in the command at the time of the incident, § 87(2)(b) identified PO Jimenez as the officer referred to as PO2 in her narrative, the heavy set bald officer who stuck his foot in her door. Both § 87(2)(b) and § 87(2)(b) describe a black male who was 5'9" or 5'10" tall and in his thirties with a medium build. This description matches Sgt. Anderson's appearance.

§ 87(2)(b) stated that the officers drove away in an unmarked, silver Toyota Camry. Car number 1682, to which PO Jimenez and PO Zayas were assigned on February 3, 2011 was a 2010 Ford Fusion, a sedan very similar in appearance to a Camry. Photographs taken outside the command's stationhouse on November 7, 2011 revealed that the command's Ford Fusion with plate number § 87(2)(e), § 87(2)(b) is silver in color, although it is listed as "tan" in the command's documents. PO Jimenez also described the vehicle he drove that day as a silver Fusion.

§ 87(2)(b), § 87(2)(e), § 87(2)(f) [REDACTED]
[REDACTED]
[REDACTED] Sgt.
Anderson did not recall what actions he took pursuant to that information, or anything he did on the date of the incident. § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegations not Pled

- § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: Sgt. Terrell Anderson entered § 87(2)(b) [REDACTED] in Brooklyn.

Allegation B – Abuse of Authority: Sgt. Terrell Anderson supervised the search of § 87(2)(b) [REDACTED] in Brooklyn.

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

An officer may enter the residence of an individual for whom there is a bench warrant if the entry is made pursuant to the execution of that warrant. Without a search warrant or exigent circumstances, an officer can search the location only to the extent necessary to identify and safely arrest the subject of the bench warrant. New York State Criminal Procedure Law, §120.80 (encl. i)

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

Allegation C – Abuse of Authority: Sgt. Terrell Anderson supervised the search of § 87(2)(b) car.

Allegation D – Abuse of Authority: Sgt. Terrell Anderson supervised the damage of § 87(2)(b) property.

§ 87(2)(b) stated that after asking him where his car was, Sgt. Anderson took § 87(2)(b) keys off the top of his dresser and handed them to PO Jimenez, who then went outside. § 87(2)(b) did not witness a car search, but he believed that the officers searched his vehicle because he saw the car in disarray and property damage in the car when he looked inside it after the incident. He saw speakers ripped out of his trunk—there is a compartment underneath the speakers where a spare tire would usually be—and he believed that the officers were trying to see what was inside this compartment. The wires to the speakers were broken and the car's front passenger tire was slashed. Sgt. Anderson denied that he searched or supervised a search of § 87(2)(b) vehicle.

The officers' seizure of § 87(2)(b) car keys and the nature of the property damage § 87(2)(b) observed in his car immediately after the officers left suggest that a car search was conducted. However, § 87(2)(b) did not witness any part of the vehicle search or property damage, and § 87(2)(b) made no allegations regarding the car having been searched or damaged. § 87(2)(b) provided no photographic evidence of his car's damage to the investigation.

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

§ 87(4-b) § 87(2)(g)
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§ 87(4-b) § 87(2)(g)

Team: _____ :

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date